

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)
)
)
v.) CR No. 94-201
)
DAVID LOUIS MATHIS

MEMORANDUM ORDER

In this action, on December 6, 1994, Defendant pleaded guilty to six Counts, of violating of 18 U.S.C. § 2113 and § 924(c). On February 22, 1995, he was sentenced to concurrent terms of imprisonment of 121 months as to each of five of the counts against him, and 60 months as the remaining count, followed by a term of supervised release. Defendant, therefore, is no longer in custody or under supervision. Before the Court is his Motion for Writ of Error Coram Nobis.¹ Therein, Defendant contends that his sentence was improperly enhanced based on a conviction for armed bank robbery, because armed bank robbery no longer qualifies as a “crime of violence” under 18 U.S.C. § 924(c). Defendant’s Motion has been considered according to the liberal standards applicable to pro se submissions.

Assuming without deciding that the requested Writ would otherwise be an appropriate remedy, it is not one to which Defendant is entitled. Section 924(c) defines “crime of violence” to include a felony that “has as an element the use, attempted use, or threatened use of physical force against the person or property of another.” Id. at § 924(c)(3)(A). Armed bank robbery has been held to qualify as a crime of violence under this so-called “force” or “elements” clause. See, e.g., United States v. Freeman, 2017 U.S. App. LEXIS 3376 (4th Cir. N.C. Feb. 24, 2017);

¹ Also pending is Defendant’s Petition to Terminate Restitution Order, which will be addressed in a separate Court Order.

United States v. Armour, 840 F.3d 904, 909 (7th Cir. 2016). Thus, as a substantive matter, Defendant's Motion is without merit.

For the foregoing reasons, this 2nd day of March, 2017, it is hereby ORDERED, ADJUDGED, and DECREED that Defendant's Petition for Writ of Error Coram Nobis [51] is denied.

BY THE COURT:

/s/Donetta W. Ambrose

Donetta W. Ambrose

Senior Judge, U.S. District Court